

ORIGINAL

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Petition of the State of Ohio for
Authority to Continue to Regulate
Commercial Mobile Radio Services

PR Docket No. 94-109

DOCKET FILE COPY ORIGINAL

To: The Commission

REPLY COMMENTS OF AIRTOUCH PAGING

AirTouch Paging ("AirTouch Paging"), by its attorneys, hereby submits its reply comments in connection with the Petition of the State of Ohio^{1/} for authority to continue to regulate Commercial Mobile Radio Services ("CMRS"). The following is respectfully shown:

1. Fifteen interested parties filed Comments addressing the Ohio Petition.^{2/} These Commenters

^{1/} In the Matter of the Petition of the State of Ohio for Authority to Continue to Regulate Commercial Mobile Radio Services, PR Docket No. 94-109 ("Ohio Petition")

^{2/} Comments were filed by AirTouch Paging, Ameritech Mobile Communications ("Ameritech"), AMSC Subsidiary Corporation ("AMSC"), Cellular Telecommunications Association ("CTIA"),
(continued...)

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demonstrate, with respect to paging services, that (i) Ohio failed to meet its burden to prove that the statutory tests to continue rate regulation of paging services contained in the Omnibus Budget Reconciliation Act of 1993^{3/} are met;^{4/} and, (ii) paging services are highly competitive, thus not a suitable candidate for rate regulation.^{5/}

2. Based upon Ohio's failure to meet the statutory requirements for continued regulation of CMRS, and

^{2/}(...continued)

E.F. Johnson, GTE Service Mobilnet ("GTE"), McCaw Cellular Communications Inc. ("McCaw"), Mobile Telecommunications Technologies Corp. ("MTel"), National Cellular Resellers Association ("NCRA"), New Par, Nextel Communications Inc. ("Nextel"), Paging Network Inc ("PageNet"), and Personal Communications Industry Association ("PCIA"), Ray's Electronics, and Sprint Cellular Company ("Sprint").

^{3/} Pub. L. No. 103-66, Title VT, Section 6002(b), 107 Stat. 312, 392 (1993) ("Budget Act").

^{4/} See e.g. Comments of AirTouch Paging at ¶¶9-11, Ameritech at p. 3, GTE at pp. 9-11, MTel at pp. 6-7, New Par at pp. 2-4, PageNet at pp. 3-5, PCIA at pp. 9-10, Ray's Electronics at pp. 6-8, and Sprint at p. 4-8.

^{5/} See e.g. Comments of AirTouch Paging at ¶¶9-11, MTel at p. 8, PageNet at pp. 4-5, PCIA at p. 9, and Ray's Electronics at pp. 8-10. See also CMRS Second Report, 9 FCC Rcd at 1468, citing EMCII "The State of the US Paging Industry" (1990), ECMI, "The State of the US Paging Industry (1993). PCIA eloquently stated the competitive situation in paging as follows:

There are more than 2,400 paging service providers in the United States today. While some of these entities control large paging operations, the vast majority consist of small companies with fewer than 1,000 customers and mid-size companies with no more than a few thousand pagers in service. As a result, no company controls more than 12 percent of the paging marketplace. PCIA Comments at p. 9.

in particular, paging, AirTouch Paging respectfully requests that the Commission deny the Ohio Petition.

Respectfully submitted,

AIRTOUCH PAGING

By: 

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CERTIFICATE OF SERVICE

I, Tana Christine Maples, hereby certify that I have this 4th day of October, 1994, caused copies of the foregoing **Reply Comments of AirTouch Paging** to be delivered by hand, courier charges prepaid, or by first class U.S. mail, postage prepaid, to the following:

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